



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("The Department") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ("the Permittee"):

Shrewsbury Electric and Cable Operations
100 Maple Street
Shrewsbury, MA 01545-5398

INFORMATION RELIED UPON:

Operating Permit TR # W074557
NOx Emission Control Plan TR# 79292

FACILITY LOCATION:

Shrewsbury Electric and Cable Operations
518 Rear Boston Turnpike
Shrewsbury, MA 01545-5398

FACILITY IDENTIFYING NUMBERS:

SSEIS ID: 1180664
FMF FAC NO. 51448
FMF RO NO. 161522

NATURE OF BUSINESS:

Electrical Power Generation

STANDARD INDUSTRIAL CODE (SIC):

4911

RESPONSIBLE OFFICIAL:

Ralph Iaccarino, Manager of Engineering
(508) 841-8312
riaccarino@ci.shrewsbury.ma.us

FACILITY CONTACT PERSON:

same

This operating permit shall expire on March 12, 2012.

For the Department of Environmental Protection,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Thomas P. Cusson,
Bureau of Waste Prevention

Date March 12, 2007



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SPECIAL CONDITIONS FOR OPERATING PERMIT

A Legend to Abbreviated Terms found in the following Tables is located in Section 28 of the Operating Permit.

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities described in 310 CMR 7.00: Appendix C (5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS

Shrewsbury Electric and Cable Operations (SELCO) formerly known as Shrewsbury Electric Light and Power, 518 Rear Boston Turnpike, Shrewsbury, Massachusetts is classified under standard industrial code (SIC) 4911- power generation. SELCO owns and operates five (5) diesel fired engine/generating sets. The facility provides necessary backup function for the ISO grid, black start capability, standby protection for the local utility grid and a capacity reserve for the larger grid. Dispatch of the units is limited. Utilization of each engine has remained under 1000 hours/year since 1990.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this operating permit:

Table 1			
Emission Unit (EU#)	Description of Emission Unit	EU Design Capacity	Pollution Control Device (PCD)
EU 1 - 5	5-General Motors diesel generators EMD Model no. 20-645E4	28.8 mm BTU/hr each	None
EU 6	Parts cleaner	NA	None

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00:Appendix C (5)(h):

Table 2	
Description of Current Exempt Activities	Reason
The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the Department's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310CMR 7.00:Appendix C(5)(h)

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the emission limits, restrictions as contained in Table 3 below:

Table 3				
EU #	Fuel/Raw material	Pollutant	EMISSION LIMIT/STANDARD	APPLICABLE REGULATION AND/OR APPROVAL NO.
1-5	#2 fuel oil	PM	≤ 0.12 lb/Mmbtu EU #1 and 2 ≤ 0.10 lb/MMBtu EU# 3-5	310 CMR 7.02 table 4 310 CMR 7.02 table 6 310 CMR 7.02(8) (State only)
		NOx	< 1000 operating hours* 4 degrees ignition retard > 1000 operating hours 9 gm per BHP-hr ∞	310 CMR 7.19(8) (d), Once an emission unit operates ≥ 1000 hours*, then said emission unit shall become subject to and continue to comply with the NOx emission limit in 310 CMR 7.19(8) (c) 3. NOx ECP # 79292
		SO ₂	Fuel not to contain a sulfur content in excess of 0.17 lbs sulfur per million BTU (.3% sulfur content fuel)	310 CMR 7.05(1)(a) 2.
		Smoke	No.1 ¹	310 CMR 7.06(1)(a)
		Opacity	20% ²	310 CMR 7.06(1)(b)
6	Mineral spirits	VOC	Less than 100 gallons per month for each parts washer, work practices	310 CMR 7.03(8), 310 CMR 7.18(8)

* per consecutive 12- month rolling period

¹ Not to exceed #1 of the Chart for a period or aggregate period of time in excess of 6 minutes during any one hour provided that at no time during the said 6 minutes shall the shade, density or appearance be greater than No. 2 of the Chart.

² Not to exceed 20% for a period or aggregate period in excess of 2 minutes during any one hour provided that at no time during the said 2 minutes shall the opacity exceed 40% Compliance with emission limit(s) /standards) shall be based on a one-hour averaging time.

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, recordkeeping, and reporting requirements as contained in Tables 4, 5 and 6 below and 310 CMR 7.00 Appendix C (9) and (10), as well as the applicable requirements contained in Table 3.

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
1-5	1) Pursuant to 310 CMR 7.04(4)(a), inspect, test for efficient operation and maintain according to manufacturer's recommendations annually.
	2) In accordance with 310 CMR 7.19(8)(d), maintain an elapsed time meter and determine the cumulative operating hours of each engine on a daily basis and during the last 12 month consecutive period.
	3) In accordance with 310 CMR 7.19 (13) set and maintain the ignition timing of each engine four degrees retarded relative to standard timing provided that the ignition timing shall not be retarded beyond the point that: <ul style="list-style-type: none"> a) the carbon monoxide (CO) emission concentration increases beyond 100 parts per million (ppm) by volume, dry basis, corrected to 15% oxygen or b) the turbocharger speed is increased beyond the maximum operating speed recommend by the engine manufacturer, or c) the exhaust port temperature increases beyond the manufacturer's recommended maximum operating temperature.
	4) In accordance with # 79292 maintain records to certify that the ignition timing has been inspected and adjusted at least every three years.
	5) Pursuant to 310 CMR 7.19(13)(a) 9. Engines operating 1000 hours or more in any consecutive 12-month period shall demonstrate compliance by performing an initial stack test.
	6) In accordance with 310 CMR 7.19(13)(d) 3., monitor for each engine, quantity of No. 2 fuel oil burned daily, heat content of No. 2 fuel oil and total heating value of No. 2 fuel oil consumed daily.
	7) In accordance with 310 CMR 7.00: Appendix C (9)(b) 2, monitor sulfur content of each new shipment of No. 2 fuel oil received. Compliance with sulfur content can be demonstrated through testing or maintaining a shipping receipt from the fuel supplier. The shipment certification or testing of sulfur content shall be in accordance with the applicable American Society for testing Materials (ASTM) test methods or any other mean approved by the Department and EPA.
Table 4	

EU#	MONITORING/TESTING REQUIREMENTS
Facility Wide	<p>8) Conduct stack testing when the Department has determined that such stack testing is necessary to ascertain compliance with the Emission Limits specified in Table 3, Department's Regulations or design approval provisos. Such stack testing, shall be;</p> <ul style="list-style-type: none">a) conducted by a person knowledgeable in stack testing, and;b) conducted in accordance with procedures contained in a test protocol which has been approved by the Department, and;c) Conducted in the presence of a Department Representative when such is deemed necessary, in accordance with 310 CMR 7.13(1). <p>9) In accordance with 310 CMR 7.13(1), Emission Testing shall be conducted pursuant to an EPA approved reference test methods unless otherwise approved by the EPA and the Department or unless otherwise specified and shall include test Methods 1 through 4 and Particulate matter (Method 5), Sulfur Dioxide (Method 6C), Carbon Monoxide (Method 10), Gaseous Organic Compounds (Method 18), total Gaseous Organic Concentration (Method 25A), Hydrogen Chloride (Method 26A) and Metals (Method 29) and 40 CFR Part 60, Appendix A [Method 7E for NOx and Method 3A for Oxygen (O₂)].</p> <p>10) Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p> <p>11) Smoke and opacity limits shall be determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A in accordance with 310 CMR 7.00 Appendix C (9)(b).</p>

Table 5	
EU#	RECORD KEEPING REQUIREMENTS
1-5	<ol style="list-style-type: none"> 1) In accordance with 310 CMR 7.04(4) (a), maintain and record the results of the annual inspection, maintenance and testing, the date upon which it was performed. It shall be posted conspicuously on or near the subject emission units. 2) In accordance with 310 CMR 7.19(13)(d) 3., measure and record for each unit on a daily basis: <ol style="list-style-type: none"> a) the type of fuel burned, b) the heat content of said fuel, the total heating value of the fuel consumed and c) the allowable emission rate on a daily basis for each engine. 3) In accordance with 310 CMR 7.19(13)(d) 7., maintain copies of all fuel supplier certifications or fuel oil analyses on site for a period of five years. 4) In accordance with TR # 79292 maintain records to certify that the ignition timing has been inspected and adjusted at least every three years. 5) In accordance with the TR #79292, maintain records of the hours of operation for each engine on a monthly basis and during the previous twelve (12) month period 6) Maintain No. 2 fuel oil testing results records and /or purchase receipts in order to demonstrate compliance with fuel sulfur content requirements in accordance with 310 CMR 7.05(1).
6	<ol style="list-style-type: none"> 7) In accordance with 310 CMR 7.18(8)(g), prepare and maintain daily records sufficient to demonstrate continuous compliance. Records shall be maintained on site for three years and shall include, but are not limited to; <ol style="list-style-type: none"> a) identity, quantity, formulation and density of solvent(s) ; b) quantity, formulation and density of all waste solvent generated; actual operational and performance characteristics of the degreaser, and c) any appurtenant emissions capture and control equipment, if applicable, and d) any other requirements specified by the Department in any approval(s) and/or order(s) issued to the person. 8) In accordance with 310 CMR 7.18(8)(h), upon request by the Department, perform or have performed tests to demonstrate compliance. Testing shall be conducted in accordance with a method approved by the Department and EPA
Facility Wide	<ol style="list-style-type: none"> 9) In accordance with 310 CMR 7.00: Appendix C (10)(b), maintain records of all monitoring data and supporting information required by this operating permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial operating permit application 10) Keep copies of Source Registration/Emission Statement Forms submitted annually to the Department as required per 310 CMR 7.12(3)(b). 11) Maintain sufficient records of its operations and monitoring information for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12, and the semi-annual monitoring report summary as required by 310 CMR 7.00:Appendix C (10)(c). 12) Maintain the test results of any Emissions Compliance Testing (Stack Testing) performed in accordance with 310 CMR 7.13, 310 CMR 7.19(13)(c), and 40 CFR Part 60, Appendix A [method 7E for NO_x, Methods 1 to 5 for PM, Method 3A for Oxygen (O₂)] or of any other testing required by the Department or EPA 13) In accordance with transmittal #79292, maintain onsite at all times a copy of the Standard Operating and Maintenance Procedures (SOMP) for the engine and parts cleaner. Any proposed changes the facility makes to the SOMP must be approved by the Department prior to the institution of said change
Table 6	

EU#	REPORTING REQUIREMENTS
1-5	<ol style="list-style-type: none">1) In accordance with 310 CMR 7.19(13)(d) 9., submit compliance records within ten (10) days of written request by the Department or EPA.2) In accordance with 310 CMR 7.19(8)(d) 4, immediately notify the Department if the operating hours of any engine is 1000 hours or more during any consecutive 12 month period and the facility is subject to the emission standard in 310 CMR 7.19(8) (c).3) Summarize and submit to the Department the results of stack testing as prescribed in the Department's pretest protocol that was determined by the Department to be necessary to ascertain compliance with the Department's regulations or design approval provisos in accordance with 310 CMR 7.13(1) and 7.13(2).4) Consistent with the requirements of TR# 79292, submit updated versions of the Standard Operating and Maintenance Procedures (SOMP) to the Department. The Department must be notified of significant changes prior to the substitutions of the updated SOMP. Proposed changes to the SOMP must be approved by the Department before the institution of said change.
Facility Wide	<ol style="list-style-type: none">5) On an annual basis, submit a Source Registration/Emission Statement Form in accordance with 310 CMR 7.12 and a compliance certification pursuant to 310 CMR 7.00:Appendix C (5) 9. to the Department.6) Submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to the Department as required by 310 CMR 7.00: Appendix C (10)(c).7) Promptly report to the Department all instances of deviations from permit requirements (including but not limited to emission limitations/standards, Standard Operating and Maintenance Procedures) by telephone or fax, and followed by a written explanation within seven (7) days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C (10)(f).8) All required a responsible official as provided in 310 CMR 7.00 must certify reports: Appendix C (10)(h).

C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee has requested that the following specific regulations be identified as not applicable to the facility:

Table 7	
REGULATION	DESCRIPTION/REASON
Reduction of Single Occupant Commuter Vehicle Use 310 CMR 7.16	Permittee has less than 250 employees.
Stratospheric Ozone 40 CFR 82	Permittee does not utilize applicable chemicals
Consumer and Commercial Products 310 CMR 7.25	Permittee does not manufacture applicable products.
Prevention of Accidental Release 42 U.S.C. 7401, §112(r)	Permittee does not have more than a threshold quantity of a regulated substance in a process.
Hazardous Air Pollutants 42 U.S.C 7401, §112	Permittee does not emit threshold quantities of HAPs
Compliance Assurance Monitoring (CAM) 40 CFR 64	Permittee does not operate emissions control equipment

5. **SPECIAL TERMS AND CONDITIONS**

The Permittee is subject to the following special provisions that are not contained in Tables 3, 4, 5 and 6:

Table 8	
SPECIAL TERMS AND CONDITIONS	
1.	In accordance with TR # W074557, stack heights shall not be altered without prior written Department approval
2.	The five internal combustion engines shall continue to be equipped and operated with exhaust silencers to attenuate sound from the engines and assure that they do not contribute to a condition of air pollution. (State only 310 CMR 7.10-Noise).
3.	Should any nuisance condition(s) occur as a result of the operation of the engines, then appropriate steps should immediately be taken to abate said nuisance condition(s). [State Only 310 CMR 7.01(1)].
4.	The Permittee operates a part cleaner at the facility. The unit must conform to the design, operation and maintenance requirements listed in 310 CMR 7.18(8).
5.	In accordance with 310 CMR 7.18(8), all solvents shall be handled and managed so that evaporation to the atmosphere is minimized.

6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

(a) Intra-facility emission trading

The facility did not request intra-facility emissions trading in its operating permit application.

Pursuant to 310 CMR 7.00: Appendix C (7)(b), emission trades, provided for in this permit, may be implemented provided the Permittee notifies The United States Environmental Protection Agency (EPA) and the Department at least fifteen (15) days in advance of the proposed changes and the Permittee provides the information required in 310 CMR 7.00: Appendix C (7)(b) 3.

Any intra-facility change that does not qualify pursuant to 310 CMR 7.00: Appendix C (7)(b) 2 is required to be submitted to the Department pursuant to 310 CMR 7.00: Appendix B.

(b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

All increases in emissions due to emission trading, must be authorized under the applicable requirements of 310 CMR 7.00: Appendix B (the "Emissions Trading Program") and the 42 U.S.C. §7401 et seq. (the "Act"), and provided for in this permit.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in sections 4 and 5. In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the Department shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the Department and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the Department to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the Department. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and

- ix. any additional information required by the Department to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Act and is grounds for enforcement action, for permit termination or revocation; or for denial of an operating permit renewal application by the Department and/or EPA.

Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00 and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The Department has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.02(8)(i), 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the Department, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date five years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the Department on the renewal application.

In the event the Department has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the Department takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C (13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the Department and/or EPA. The responsible official of the facility may request that the Department terminate the facility's operating permit for cause. The Department will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C (14).

The filing of a request by the Permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the Department's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the Department copies of records that the Permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the Department a material error or omission in any records, reports, plans, or other documents previously provided to the Department.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C (8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, liability between current and new Permittee has been submitted to the Department.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the Department, and EPA to perform the following:

- (a) enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility at all times a copy of the materials listed under 310 CMR 7.00: Appendix C (10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the Department or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the Permittee submitted notice of the emergency to the Department within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the Department's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the Department's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm>.

This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations, which do not require 3-day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the Department written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C (5)(i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C (7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C (12) shall not apply to these changes.

27. MODIFICATIONS

(a) Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C (8)(a) 1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C (8)(b).

(b) Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C (8)(a) 2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C (8)(d).

(c) Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C (8)(a) 3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C (8)(c).

(d) No permit revision shall be required, under any approved economic incentives program, marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310

CMR 7.00: Appendix C (6), with respect to the Department's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

< - Less Than

> - Greater Than

#/hr - Pounds Per Hour

10⁶ BTU/hr - 1,000,000 BTU Per Hour

AQCR - Air Quality Control Region

BHP-HR – Brake Horse Power Hour

CEM - Continuous Emission Monitor

CO - Carbon Monoxide

EPA - Environmental Protection Agency

FMF FAC. NO. - Facility Master File Number

FMF RO NO. - Facility Master File Regulated Object Number

FT³/day - Cubic Feet Per Day

HHV - Higher Heating Value

HP – Horse Power

ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level

MADEP - Massachusetts Department of Environmental Protection

MMBTU/hr - Million British Thermal Units Per Hour

NA – Not Applicable

NO_x - Nitrogen Oxide

PB - Lead

PLT ID - Plant Identification

PM - Particulate Matter

PPM - Parts Per Million

PTE - Potential to Emit

SCF/HR – Standard Cubic Feet Per Hour

SO₂ - Sulfur Dioxide

SSEIS - Stationary Source Emission Inventory System

TPY - Tons Per Year

VOC - Volatile Organic Compounds